

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF THE SPECIAL MASTERS
No. 08-619V
Filed: April 5, 2010**

DONAVEE JOYNER,	*	
	*	
Petitioner,	*	Damages Decision Based on Proffer;
	*	Trivalent Influenza Vaccine;
v.	*	Guillan-Barré Syndrome
	*	
SECRETARY OF HEALTH	*	
AND HUMAN SERVICES,	*	
	*	
Respondent.	*	

Ronald Craig Homer, Esq., Boston, MA, for petitioner.

Darryl R. Wishard, Esq., U.S. Department of Justice, Washington, DC, for respondent.

DECISION AWARDING DAMAGES¹

VOWELL, Special Master:

On September 3, 2008, Donavee Joyner [“petitioner”] filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10, *et seq.*² [the “Vaccine Act” or “Program”] alleging she suffered Guillan-Barré Syndrome as a result of a trivalent influenza vaccine she received on November 2, 2007. Amended Petition for Vaccine Compensation and Motion for a Ruling on the Record, filed April 23, 2009, at 1. After reviewing petitioner’s medical records, respondent indicated that she would “not expend further resources to contest entitlement” and requested a ruling on entitlement. Respondent’s Report, filed July 14,

¹ Because this unpublished decision contains a reasoned explanation for the action in this case, I intend to post this decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to delete medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will delete such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all “§” references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2006).

2009, at 4. In a decision issued October 2, 2009, Special Master Abell concluded that petitioner was entitled to compensation under the Program, and ordered the parties to discuss damages.³

Petitioner filed her life care plan as Petitioner's Exhibit 23 on February 16, 2010. Respondent then filed her life care plan as Respondent's Exhibit A on March 25, 2010. This case was transferred to me on March 31, 2010. On April 5, 2010, respondent filed a proffer on award of compensation detailing compensation for unreimbursed expenses, past and future pain and suffering, and life care expenses. Respondent averred that petitioner agreed to the amounts set forth therein. **Accordingly, I award compensation in the form of a lump sum payment of \$641,309.79 in the form of a check payable to Donavee Joyner, petitioner.** This amount represents compensation for all damages that would be available under § 300aa-15(a).

In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court is directed to enter judgment in accordance with this decision.⁴

IT IS SO ORDERED.

s/Denise K. Vowell
Denise K. Vowell
Special Master

³ The special master's findings of fact and conclusions of law did not include a finding that the requirements of § 300aa-11(c)(1) were met in this case, which is required in order to determine eligibility for compensation under § 300aa-13(a)(1)(A). Respondent did not contest the sufficiency of the evidence establishing the matters required by § 300aa-11(c)(1), and such a finding is inherent in the special master's determination of entitlement. Having reviewed the evidence, I am satisfied that the case was timely filed and all the statutory prerequisites to obtaining an award of damages have been met in this case.

⁴ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by each party filing a notice renouncing the right to seek review.